IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 5TH DECEMBER 2007 / 14TH AGRAHAYANA 1929

Bail Appl..No. 7465 of 2007()

CRIME NO.542/2007 OF TAMARASSERY POLICE STATION

: PETITIONER/IST ACCUSED

SRI.ABUL SALAM, S/O.ABU,
AGED 29 YEARS, KAVAMPURAM VEEDU,
EANGAMPUZHA AMSOM, MALAPPURAM DESOM,
KOZHIKODE.

BY ADV. SRI.K.A.SALIL NARAYANAN

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REP. BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 05/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.7465 of 2007

Dated this the 5th day of December 2007

O R D E R

Application for anticipatory bail. The petitioner is the husband of the de facto complainant. The marriage took place on 12/10/2003. The spouses are blessed with one child. Matrimonial cruelty of the culpable variety punishable under Section 498 A I.P.C has been alleged against the petitioner by the de facto complainant. The crime has been registered on the basis of a private complaint filed before the learned Magistrate and referred by the learned Magistrate to the police under Section 156(3) Cr.P.C. Investigation is in progress. The petitioner apprehends imminent arrest.

2. The learned counsel for the petitioner submits that there is strain in the matrimonial relationship. Because of such strain in the matrimonial tie, allegations of demand for dowry are being raised vexatiously against the petitioner. The petitioner may in these circumstances be granted anticipatory bail, it is prayed.

3. The learned Public Prosecutor does not oppose the application. I am satisfied, in the facts and circumstances of this case that the petitioner can be granted anticipatory bail. In coming to this conclusion I take note of the fact that arrest and detention of the petitioner is likely to mar all possibilities of harmonious reconciliation of the matrimonial tie. I do further take note of the submission of the learned Public Prosecutor that the alleged victim has suffered no external injuries also. Appropriate conditions can of course be imposed.

4. In the result, this petition is allowed. Following directions are issued under Section 438 Cr.P.C in favour of the petitioner.

i) Petitioner shall surrender before the learned Magistrate having jurisdiction at 11 a.m on 12/12/2007. He shall be released on regular bail on condition that he executes a bond for Rs.25,000/-(Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

ii) The petitioner shall make himself available for interrogation before the investigating officer between 10 a.m and 3 p.m on 13/12/2007 and 14/12/2007 and thereafter on all Mondays and Fridays between 10 a.m and 12 noon for a period

of one month and subsequently as and when directed by the investigating officer in writing to do so.

(iii) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with him in accordance with law, as if these directions were not issued at all.

(iv) If he were arrested prior to 12/12/2007, he shall be released from custody on his executing a bond for Rs.25,000/- (Rupees twenty five thousand only) without any sureties, undertaking to appear before the learned Magistrate on 12/12/2007.

(R.BASANT, JUDGE)

jsr

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007